



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

**Community Empowerment and Economic
Revitalization Committee**

Tuesday, November 8, 2005

2:00 PM

Commission Chamber

Charles Anderson, CPA
Commission Auditor

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Legislative Analysis

**Community Empowerment & Economic Revitalization Committee
Meeting Agenda**

Tuesday, November 8, 2005

A written analysis for the below listed item is attached for your consideration in this Legislative Analysis.

Item Number(s)

2(A)	
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Additional information for the below listed item is attached for your consideration in this Legislative Analysis.

3(A)	
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If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:
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LEGISLATIVE ANALYSIS

RESOLUTION URGING THE PRESIDENT, THE UNITED STATES CONGRESS AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD") TO RECONSIDER THE APPLICATION OF THE "ONE STRIKE" POLICY

Commissioner Barbara J. Jordan

I. SUMMARY

This resolution urges the federal government to reconsider the application of the “one strike” policy when evicting and excluding tenants of public housing, based on violent criminal activity, drug-related activity and sexual offense. Currently, legislation has been filed to create an “innocent tenant” exception to this policy (H.R. 1309 by Cong. Lee).

II. PRESENT SITUATION

On March 28, 1996, the U.S. Department of Housing and Urban Development (HUD) introduced guidelines to help public housing administrators screen and evict tenants involved in drug or other criminal activity. The provisions were set out in the policy, "One Strike and You're Out." The eviction and screening procedures have been law since 1988, but many public housing authorities (PHAs) were not enforcing them because they were unclear about the legal ramifications and constitutionality of eviction and screening.

The “one strike” provision was unanimously upheld by the U.S. Supreme Court in *Rucker v. Davis* in 2002, holding it was not unreasonable for Congress and HUD to impose a no-fault penalty upon innocent tenants.

III. POLICY CHANGE AND IMPLICATION

This resolution urges the federal government to reconsider the application of the “one strike” policy, in light of the negative impact it has on innocent tenants and the disparate impact it has on the poor.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

On March 15, 2005, federal legislation was filed to create an “innocent tenant” exception to this policy, H.R. 1309 by Rep. Barbara Lee (D-CA). No hearings have been scheduled yet. The bill is supported by the National Low Income Housing Coalition and the National Housing Law Project.

ADDITIONAL INFORMATION

<u>Item#</u>	<u>Subject Matter</u>	<u>Comments/Questions</u>
3(A)	ITC Changes	<ul style="list-style-type: none"> • The County Manager shall no longer appoint the Chairperson of the ITC; • The Chairperson of the BCC will now appoint the Chair of the ITC who must be a member of the BCC; BCC Chair will also appoint the ITC Vice-Chair who must be a well respected member of the business community; • The Mayor will appoint three (3) voting members to the ITC; <i>(previously 5)</i> • Each member of the BCC will appoint one (1) voting member to the ITC; <i>(previously the ITC Chair appointed 7 voting members to the ITC with the ITC board's approval)</i> • ITC members shall serve without compensation; <i>(Previously they were entitled to reimbursement for necessary expenses)</i> • ITC shall elect one of its voting members as Secretary & Treasurer; • Serve two (2) year terms from time of appointment, may be re-appointed for two (2) additional two (2) year terms at conclusion of their first term; • The Executive Director shall be appointed by the BCC; <i>(Previously by the Mayor)</i> • ITC shall have power to remove the Executive Director subject to ratification by the BCC; • ITC shall submit a quarterly report to the BCC detailing their activities and goals, as well as, an oral report before the Commssion at least twice a year.